



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

MEB:ADW
F. #2020R00142

*271 Cadman Plaza East
Brooklyn, New York 11201*

April 2, 2021

By ECF and E-mail

Gordon Mehler, Esq.
Mehler Law PLLC
747 Third Avenue, 32nd Floor
New York, New York 10017

Christopher D. Wright, Esq.
305 Broadway
Suite 1001
New York, New York 10007

Re: United States v. Keith Levy
Criminal Docket No. 20-87 (RPK)

Dear Messrs. Mehler and Wright:

The government writes, in an abundance of caution, to provide pre-trial notice, pursuant to Federal Rule of Evidence 404(b) that the government intends to offer into evidence at trial (1) certified County Court for Broome County documents relating to the defendant's past convictions (Bates-numbered LEVY000239 – LEVY000242); (2) a video of an August 2019 NYPD interview of the defendant (Bates-numbered LEVY000138) related to the "Old Timer's Day" shooting; and (3) testimony regarding the same crimes and other bad acts.¹ The government intends to offer the foregoing evidence pursuant to Federal Rule of Evidence 404(b) to prove "intent, preparation, plan, knowledge . . . absence of mistake, or lack of accident," contingent on any pretrial rulings or trial rulings issued by the Court.

Very truly yours,

MARK J. LESKO
Acting United States Attorney

By: /s/ Andrew Wang
Andrew Wang
Assistant U.S. Attorney
(718) 254-6311

cc: Clerk of Court (RPK)

¹ The parties have already briefed the admissibility of this evidence for the Court (ECF Nos. 37, 40 and 43).